



# Wyoming Ag-Business Association

January 29, 2006

NEPA Draft Report Comments  
c/o NEPA Task Force  
Committee on Resources  
1324 Longworth House Office Building

Dear Committee Members,

Thank you for the opportunity to comment on the Draft Report on behalf of the Wyoming Ag Business Association. We represent a variety of agricultural input suppliers throughout the state of Wyoming. The issues addressed in the Draft Report affect our members, many of who supply fertilizer, pesticides and services to agriculturalists, government agencies such the Bureau of Land Management and U.S. Forest Service, and industry, particularly energy production. Because of our member's customer base, the application and interpretation of NEPA has an ongoing daily effect on our members.

We have on specific comment on the draft report, along with a suggestion regarding the final report. We agree that a single litigation decision may have far reaching consequences (page 11), resulting in more caution on the part of agencies, but "...not necessarily more deliberative – in issuing NEPA documents."

We also agree that litigation will be reduced with increased collaboration between agencies as well as interest parties. However, it does appear that such collaboration is not a prerequisite to standing in litigation. Our experience is that a small minority of the environmental community deliberately chooses not to fully participate in the collaboration process; when a NEPA document is subsequently issued with which this small minority disagrees, redress is sought through litigation.

Such 'sandbag' tactics create cynicism on the part of those who fully participate in the collaboration process. Therefore, the Wyoming Ag Business Association would suggest strengthening Group 4 – Addressing Litigation Issues, where the second bullet point states "Clarify that parties must be involved throughout the process in order to have standing in an appeal." Good faith on the part of those involved in the collaboration process should also be a prerequisite to standing in any appeal.

Sincerely yours,

Keith A. Kennedy,  
Executive Director